

SEP 23 2004

SHEPPARD MULLIN

SHEPPARD MULLIN RICHTER & HAMPTON LLP

ATTORNEYS AT LAW

48th Floor | 333 South Hope Street | Los Angeles, CA 90071-1448
213-620-1780 office | 213-620-1398 fax | www.sheppardmullin.com**FACSIMILE COVER SHEET****** THIS FACSIMILE TRANSMISSION WILL NOT BE MAILED ****Date: September 23, 2004File Number: 0VKH-104558Total number of pages:
(including 2-page cover sheet)

20

If all pages are not received, please call
Sheppard Mullin at 213-620-1780, ext. 2155**TO:**United States Patent & Trademark Office**Facsimile No.**(703) 872-9306**Telephone No.**From: Steve P. HassidRe: COMPOSITIONS INCORPORATING HIGH-CAFFEINE GREEN TEA EXTRACT
AND RELATED METHODS FOR PROMOTING HEALTHY BODY WEIGHT

Sender's Name:

FelixTime Started: 3:23**MESSAGE:****Certificate of Transmission under 37 CFR 1.8**I hereby certify that this correspondence is being facsimile transmitted
to the United States Patent and Trademark Office on September 23, 2004.
Steve P. Hassid, Esquire

Please acknowledge receipt of the accompanying:

XX Resubmission of Response
 XX Transmittal
 XX Copy of transmission report of July 30, 2004 Response
 XX Copy of 7/30/04 Response
 XX Copy of PTO "Facsimile Transmission" dated 8/19/04
 XX Copy of PTO "Notice of Submission Type" dated 8/19/04
 XX Certificate of Transmission by Facsimile
 Applicant's Name: Debasis Bagchi, et al.
 Title: COMPOSITIONS INCORPORATING HIGH CAFFEINE
GREEN TEA EXTRACT AND RELATED METHODS
FOR PROMOTING HEALTHY BODY WEIGHT
 Application No.: 10/615,887 Date Filed: 7/8/2003
 Examiner: Patricia A. Leith Group Art Unit: 1614
 Our Docket No.: 0VKH-104558 Date Mailed: 9/23/04

NOTE: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

W02-LA:1SPH1\70652437.1

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SEP 23 2004

TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
0VKH-104558

In Re Application Of: Debasis Bagchi et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/615,887	7/8/2003	Patricia A. Leith	30764	1614	9854

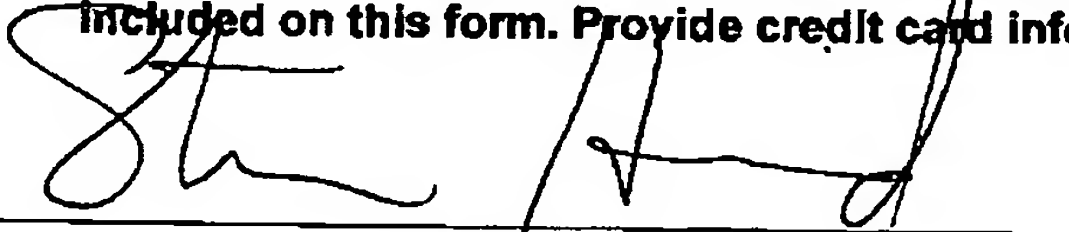
Title: COMPOSITIONS INCORPORATING HIGH-CAFFEINE GREEN TEA EXTRACT AND RELATED
METHODS FOR PROMOTING HEALTHY BODY WEIGHTCOMMISSIONER FOR PATENTS:

Transmitted herewith is:

Resubmission of Response

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-1853 as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
Signature

Dated: September 23, 2004

Steve P. Hassid, Esquire
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071-1448
(213) 620-1780I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] o.
(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

P16A/REV03

SEP 23 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/615,887 Confirmation No. 9854
Applicants : Debasis Bagchi et al.
Filed : July 8, 2003
Title : Compositions Incorporating High-Caffeine Green Tea Extract And
Related Methods For Promoting Healthy Body Weight

TC/A.U. : 1614
Examiner : Leith, Patricia A.

Docket No. : 0VKH-104558
Customer No. : 30764
Date : September 23, 2004

Commissioner for Patents
P.O. Box 1450
Alexandra, Virginia 22313-1450

RESUBMISSION OF RESPONSE

Sir:

Remarks begin on page 2 of this paper.

Resubmission of Response to Restriction Requirement Electing Invention of Group I, originally dated July 30, 2004
Appl. No.: 10/615,887
Applicants: Debasis Bagchi et al.

REMARKS

In response to the Office Action mailed July 30, 2004 in the above-identified application, Applicant's attorney Steve Hassid transmitted a response, a copy of which is enclosed, to the Office on July 30, 2004. Steve Hassid received a transmission report, a copy of which is also enclosed, indicating that the facsimile was received by the PTO. Upon receiving the Office's "Facsimile Transmission" and "Notice of Submission Type" on August 19, 2004, copies of which are also enclosed, Steve Hassid realized that the July 30, 2004 Response had inadvertently been transmitted to the incorrect PTO facsimile number. Instead of transmitting the Response to the PTO's central facsimile number (703) 872-9306, Applicant's attorney had inadvertently transmitted the Response to the PTO's assignment division number at (703) 306-5995.

Upon realizing the error, Steve Hassid reviewed the PTO document entitled "Centralized Delivery And Facsimile Transmission Requirements for Patent Application Related Correspondence," signed by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy on October 1, 2003, a copy of which is also enclosed. More specifically, that document states: "Any official correspondence transmitted by facsimile in error to prior published facsimile numbers will be either automatically re-routed to the central facsimile number, or manually forwarded to the central facsimile facility for processing but may thereby incur a delay before being processed." Therefore, Applicant believed that their July 30, 2004 response would be re-routed to the appropriate area and resubmission would not be necessary. To ensure that Applicant's July 30, 2004 Response was properly re-routed, on September 22, 2004, Steve Hassid reviewed the Private Pair information for the above-identified application, which had no record of the Office receiving Applicant's July 30, 2004 Response.

Accordingly, Applicant is hereby resubmitting their Response of July 30, 2004 in the above-identified application to the PTO's central facsimile number (703) 872-9306.

Resubmission of Response to Restriction Requirement Electing Invention of Group I, originally dated July 30, 2004
Appl. No.: 10/615,887
Applicants: Debasis Bagchi et al.

Applicant does not believe that any fees are required with this response. In relevant part, 37 C.F.R. § 1.6(d) states:

(d) Facsimile transmission. Except in the cases enumerated below, correspondence, including authorizations to charge a deposit account, may be transmitted by facsimile. The receipt date accorded to the correspondence will be the date on which the complete transmission is received in the United States Patent and Trademark Office, unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. see § 1.6(a)(3). To facilitate proper processing, each transmission session should be limited to correspondence to be filed in a single application or other proceeding before the United States Patent and Trademark Office. The application number of a patent application, the control number of a reexamination proceeding, the interference number of an interference proceeding, or the patent number of a patent should be entered as a part of the sender's identification on a facsimile cover sheet. Facsimile transmissions are not permitted and if submitted, will not be accorded a date of receipt, in the following situations:

- (1) Correspondence as specified in § 1.4(e), requiring an original signature;
- (2) Certified documents as specified in § 1.4(f);
- (3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in § 1.8(a)(2)(i)(A) through (D) and (F), and § 1.8(a)(2)(iii)(A), except that a continued prosecution application under § 1.53(d) may be transmitted to the Office by facsimile;
- (4) Drawings submitted under §§ 1.81, 1.83 through 1.85, 1.152, 1.165, 1.174, or 1.437;
- (5) A request for reexamination under § 1.510 or § 1.913;

Resubmission of Response to Restriction Requirement Electing Invention of Group I, originally dated July 30, 2004
Appl. No.: 10/615,887
Applicants: Debasis Bagchi et al.

(6) Correspondence to be filed in a patent application subject to a secrecy order under §§ 5.1 through 5.5 of this chapter and directly related to the secrecy order content of the application;

(7)-(8) [Reserved]

(9) In contested cases before the Board of Patent Appeals and Interferences except as the Board may expressly authorize.

Accordingly, in accordance with 37 C.F.R. 1.6, Applicant believes that the Response transmitted to the PTO on July 30, 2004 and resubmitted with this transmission was received by the PTO on July 30, 2004.

Applicant believes that no fees are required with this resubmission of Applicant's July 30, 2004 Response. If any fees are required, including extension of time fees, Applicant authorizes the Commissioner to charge those fees to Deposit Account No. 19-1853.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: 

Steve P. Hassid
Registration No. 46,762

333 South Hope Street
48th Floor
Los Angeles, California 90071
(213) 620-1780

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SEP 23 2004

SHEPPARD MULLIN
SHEPPARD MULLIN RICHTER & HAMPTON LLP
ATTORNEYS AT LAW48th Floor | 333 South Hope Street | Los Angeles, CA 90071-1448
213-620-1780 office | 213-620-1398 fax | www.sheppardmullin.comF A C S I M I L E C O V E R S H E E T**** THIS FACSIMILE TRANSMISSION WILL NOT BE MAILED ****Date: July 30, 2004File Number: 0VKH-104558Total number of pages:
(including 1-page cover sheet)

5

If all pages are not received, please call
Sheppard Mullin at 213-620-1780, ext. 2155TO:United States Patent & Trademark OfficeFacsimile No.(703) 306-5995Telephone No.From: Steve P. HassidRe: COMPOSITIONS INCORPORATING HIGH-CAFFEINE GREEN TEA EXTRACT
AND RELATED METHODS FOR PROMOTING HEALTHY BODY WEIGHT

Sender's Name:

JedroTime Started: 4:37 p.m.

MESSAGE:

Certificate of Transmission under 37 CFR 1.8I hereby certify that this correspondence is being facsimile transmitted
to the United States Patent and Trademark Office on July 30, 2004.Steve P. Hassid, Esquire

Please acknowledge receipt of the accompanying:

XX Response

XX Transmittal (in duplicate)

XX Certificate of Transmission by FacsimileApplicant's Name: Debasis Bagchi, et al.Title: COMPOSITIONS INCORPORATING HIGH CAFFEINE
GREEN TEA EXTRACT AND RELATED METHODS
FOR PROMOTING HEALTHY BODY WEIGHTApplication No.: 10/615,887Date Filed: 7/8/2003Examiner: Patricia A. LeithGroup Art Unit: 1614Our Docket No.: 0VKH-104558Date Mailed: 7/30/04Client: Interhealth NutraceuticalsDate Due: 7/30/04Atty/Sec: Hassid/Johnson

Please place your receiving date stamp hereon and return this card.

NOTE: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

W02-LA:1SPH1\70652437.1

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
0VKH-104558

In Re Application Of: **Debasis Bagchi et al.**

Application No. 10/615,887	Filing Date 7/8/2003	Examiner Patricia A. Leith	Customer No. 30764	Group Art Unit 1614	Confirmation No. 9854
--------------------------------------	--------------------------------	--------------------------------------	------------------------------	-------------------------------	---------------------------------

Title: **COMPOSITIONS INCORPORATING HIGH-CAFFEINE GREEN TEA EXTRACT AND RELATED METHODS FOR PROMOTING HEALTHY BODY WEIGHT**

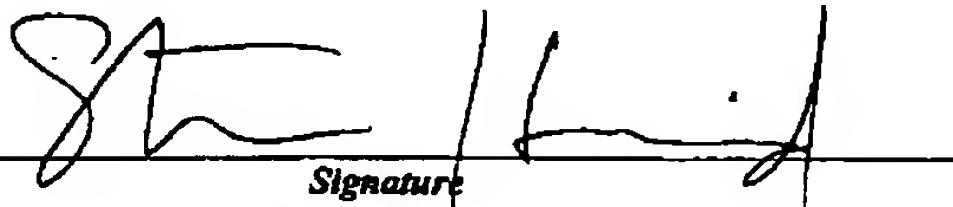
COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1853** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.


Signature

Dated: **July 30, 2004**

Steve P. Hassid, Esquire
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071-1448
(213) 620-1780

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/615,887 Confirmation No. 9854
Applicants : Debasis Bagchi et al.
Filed : July 8, 2003
Title : Compositions Incorporating High-Caffeine Green Tea Extract And
Related Methods For Promoting Healthy Body Weight

TC/A.U. : 1614
Examiner : Leith, Patricia A.

Docket No. : 0VKH-104558
Customer No. : 30764
Date : July 30, 2004

Commissioner for Patents
P.O. Box 1450
Alexandra, Virginia 22313-1450

RESPONSE

Sir:

Remarks begin on page 2 of this paper.

Response to Restriction Requirement Electing Invention of Group I, dated July 30, 2004
Appl. No.: 10/615,887
Applicants: Debasis Bagchi et al.

REMARKS

In the Office Action mailed June 30, 2004 the Examiner raised a restriction requirement under 35 U.S.C. § 121, requiring election of one of the following groups:

- I. Claims 1-10, drawn to a composition comprising EGCG and caffeine.
- II. Claims 11-18, drawn to a method for maintaining healthy body weight comprising administration of EGCG and caffeine.
- III. Claims 19-26, drawn to a method for providing energy to a mammal comprising administration of EGCG and caffeine.
- IV. Claims 27-28, drawn to a method for maintaining healthy body weight comprising causing EGCG and caffeine to come into contact with a mammal.
- V. Claims 29, drawn to an amount of EGCG and caffeine that come into contact with a person.

In response, Applicants elect the invention of Group I. Applicants, of course, reserve the right to file one or more divisional applications containing claims drawn to the inventions of Groups II-V identified by the Examiner.

This application should now be in condition for substantive examination. A Notice of Allowance is respectfully requested.

Response to Restriction Requirement Electing Invention of Group I, dated July 30, 2004
Appl. No.: 10/615,887
Applicants: Debasis Bagchi et al.

Applicants do not believe that any fees are required with this response. If any fees are required with this response, Applicants authorize the Commissioner to charge them to Deposit Account No. 19-1853.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By:


Steve P. Hassid
Registration No. 46,762

333 South Hope Street
48th Floor
Los Angeles, California 90071
(213) 620-1780

Facsimile Transmission

*This company uses RightFAX® fax
server software from RightFAX, Inc.*

From: Name: USPTO ASSIGNMENT DIVISION
Fax Number:
Voice Phone: 703-308-9723

To: Name: SUBMITTER
Company: Faxed to Submitter's Fax Number
Fax Number: 12136201398
Voice Phone:

Fax Notes:

Pg#	Description
1	Cover Page
2	3.TXT
3	213 620 1398

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Date and time of transmission: Thursday, August 19, 2004 4:12:24 PM
Number of pages including this cover sheet: 07

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

August 19, 2004

Submitter

United States Patent and Trademark Office
Notice of Submission Type

Your request to record a document in the United States Patent and Trademark Office was received via electronic fax on July 30, 2004, at 07:38 PM.

The document submitted cannot be processed via electronic fax. Please resubmit your document to the Assignment Division via mail service.

If you have any questions, you may contact our customer service center at 703-308-9723.

Office of Public Records
Assignment Division

CENTRALIZED DELIVERY AND FACSIMILE TRANSMISSION REQUIREMENTS FOR PATENT APPLICATION RELATED CORRESPONDENCE

Summary

To facilitate processing of correspondence into the Image File Wrapper (IFW) system, the United States Patent and Trademark Office (USPTO or Office) is revising its procedures to require that a single, centralized location be used for hand-carried and facsimile-transmitted patent application related incoming correspondence delivered to organizations reporting to the Commissioner of Patents (e.g., Technology Centers, the Office of Patent Publication, and the Office of Petitions). Most other offices as listed below will continue receiving hand-carried and facsimile-transmitted correspondence at the same locations and at the same facsimile numbers. The centralized location for hand-carried correspondence is the existing Customer Window. The centralized facsimile number is (703) 872-9306. The changes are effective December 1, 2003.

Background

The Office is in the process of implementing an electronic image capture system to replace the standard paper processing of patent applications. Documents formerly placed in the paper file wrapper of pending patent applications (including the specification, oath or declaration, drawings, references, amendments, Office actions, foreign patent documents and non-patent literature of information disclosure statements and file jacket notations) are being electronically scanned and loaded into the Image File Wrapper (IFW) system. Once documents are loaded into the IFW system, examiners, technical support staff, other USPTO staff, and contractors will perform further processing and examination using the IFW system. *See Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in Electronic Form*, 1271 Off. Gaz. Pat. Office 100 (June 17, 2003).

PART 1. Central Delivery of Hand-Carried Patent Application Related Papers

A. CUSTOMER WINDOW

To effect a smooth transition into the IFW environment, the Office is requiring the use of the Customer Window for all hand-carried patent application related correspondence. This location will be equipped to perform the necessary sorting and routing of submissions for either electronic or paper processing.

The Customer Window is located at:

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Effective **December 1, 2003**, all official patent application related correspondence for organizations reporting to the Commissioner of Patents (e.g. Technology Centers, the Office of Patent Publication, and the Office of Petitions) that is hand-carried (or delivered by other delivery services, e.g., FedEx, UPS, etc.) must be delivered to the Customer Window, with a few exceptions as listed below in Part C. Hand-carried application related correspondence will no longer be accepted in the Technology Centers (TCs), the Office of Patent Publication, and the Office of Petitions. Any courier who attempts delivery of an official application related correspondence at a TC (or where it is no longer permitted) will be re-directed to the Customer Window. Some time after the initial move to Carlyle, Alexandria, an additional depository in the Carlyle facility for hand-carried correspondence will be established. Patent application related compact disks (CDs) and other non-paper submissions that are hand-carried must be delivered to the Customer Window.

Correspondence may continue to be mailed via the United States Postal Service (USPS) and special Mail Stops (where appropriate) should continue to be used. *See Special Mail Stops for Patent and Trademark Mail*, 1271 Off. Gaz. Pat. Office 67 (June 10, 2003). **The mailing address of the USPTO is not affected by this change in practice with regard to hand-carried or facsimile correspondence.**

B. Papers Requiring Immediate Office Attention (Hand-carried and Facsimile Transmissions)

Due to special Office procedures concerning the three below listed types of submissions, applicants are advised and encouraged to conspicuously mark "SPECIAL PROCEDURES SUBMISSION" on the top of the first page of these, and only these, documents whether they are hand-carried or sent by facsimile transmission, to the Office. Special alerting procedures will be followed for these documents after submission at the Customer Window or receipt by the central facsimile processing facility.

1. Petitions for express abandonment to avoid publication under 37 CFR 1.138(c).
2. Petitions to withdraw an application from issue under 37 CFR 1.313(c)(3).
3. Request for Expedited Examination of a design application (Rocket Docket).

C. Correspondence for Which Centralized Delivery of Hand-carried Papers is Not Required

Non-patent application related papers and a few exceptions to the general rule for patent application related correspondence may be delivered to specific non-central locations as set forth below. Thus, the following types of correspondence should be delivered to the specific location where they are processed instead of the Customer Window. Any such correspondence carried by error to the Customer Window will be accepted but then re-routed to the appropriate office, thereby incurring a delay before being processed.

1. All non-application and non-specific application related correspondence, such as questions on policy, on employment, or other general inquiries, may continue to be hand-carried or transmitted by facsimile to the current designated locations, depending on the substance of the correspondence.

2. Hand-carried requests to initiate, or related to ongoing *ex parte* or *inter partes* reexamination proceedings may be hand-carried to the Central Reexamination Unit (CRU) in Crystal Plaza 3 Room 3D68.
3. Requests for access to patent application files may continue to be hand-carried to the File Information Unit (FIU) in Crystal Plaza 3 Room 1D01.
4. Patent term extension applications under 35 U.S.C. § 156 (Hatch/Waxman) may be hand-carried to the Office of Patent Legal Administration (OPLA) in Crystal Plaza 3 Room 3D65.
5. Assignments may be hand-carried to the Assignment Branch in Crystal Gateway 4, Room 301.
6. Correspondence for the Office of Enrollment and Discipline (OED) may be hand-carried directly to OED in Crystal Plaza 6, Room 1103.
7. Correspondence for the Office of General Counsel or the Solicitor's Office may be hand-carried directly to the Office of General Counsel in Crystal Park 2, Room 905.
8. Correspondence relating to interferences may be hand-carried to the Board of Patent Appeals and Interferences in Crystal Gateway 2, Room 10C01.
9. Correspondence relating to PCT international applications prior to national stage entry (35 U.S.C. § 371) may continue to be hand-carried to the PCT Operations customer window located at Crystal Plaza Two, 8th floor. After national stage entry (indicated by the mailing of the Notice of Acceptance (Form 903)), correspondence relating to the national stage of the international application should be hand-carried to the Customer Window.

Part 2. Centralized Facsimile Number for Official Patent Application Related Correspondence

A. Central Number

Effective December 1, 2003, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, (703) 872-9306, with a few exceptions below in Part B. Replies to Office actions including after-final amendments that are transmitted by facsimile must be directed to the central facsimile number. Unofficial correspondence such as draft proposed amendments for interviews may continue to be transmitted by facsimile to the Technology Centers (TCs). See *Fax Automation in Technology Center 1700*, 1237 Off. Gaz. Pat. Office 140 (August 29, 2000). Any official correspondence transmitted by facsimile in error to prior published facsimile numbers will be either automatically re-routed to the central facsimile number, or manually forwarded to the central facsimile facility for processing but may thereby incur a delay before being processed. The central facsimile number is capable of simultaneous receipt of facsimile transmissions from multiple customers. All other Office facsimile numbers remain unchanged. Prior published facsimile numbers will continue in operation until further notice. Applicants are advised that since correspondence successfully sent by facsimile transmission to the old numbers (as evidenced by a "successful facsimile receipt" or "transmission complete" message) will always be routed or forwarded to the central facsimile facility; no further action on the applicants' part is required. Do not send a duplicate facsimile to the central number.

See Patent Customers Advised to FAX Communications to USPTO, 1270 Off. Gaz. Pat. Office 151 (May 27, 2003) for a discussion of the correspondence that can and cannot be sent by facsimile transmission to the Office. Questions related to receipt of a facsimile to the Technology Centers should be directed to the Technology Center Customer Service representative listed in the above-mentioned notice.

B. Correspondence Which May be Sent By Facsimile to Other Than the Central Facsimile Number

The correspondence items below may be sent by facsimile to specific facsimile numbers as indicated as these items are for non-patent application related papers and a few exceptions to the general rule (for facsimile transmission to a central number).

1. Facsimile transmissions to the Office of Initial Patent Examination

New applications, correspondence being submitted for the purpose of obtaining an application filing date, and (except with issue fee payment) drawings may NOT be transmitted by facsimile. Other types of responses to notices from the Office of Initial Patent Examination (OIPE) and requests for corrected filing receipts may be transmitted by facsimile directly to the OIPE. The following is a list of official facsimile numbers for OIPE:

Facsimile number for corrected Filing Receipt Requests:	(703) 746-9195
Facsimile number for Response to Notice to File Missing Parts (drawings may not be submitted by facsimile):	(703) 746-4060
Telephone number for Customer Service:	(703) 308-1202

2. Facsimile transmissions to PCT Operations and PCT Legal Administration

An international application for patent or a copy of the international application and the basic national fee necessary to entry the national stage, as specified in 37 CFR 1.495(b), may NOT be submitted by facsimile. Correspondence in an application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Examining Authority may be facsimile-transmitted but the correspondence will NOT receive the benefit of any certificate of transmission (or mailing). See 37 CFR 1.6(d)(3) (referencing 37 CFR 1.8(a)(2)(i)(D)-(F)). Papers relating to international applications should be directed to one of the following numbers, if applicable:

Facsimile number for papers in international applications:	(703) 305-3230
Facsimile number for Response to Decisions on Petition	(703) 308-6459
Facsimile number for the PCT Help Desk:	(703) 305-2919
Telephone number for the PCT Help Desk:	(703) 305-3257

3. Facsimile transmissions to the Office of Patent Publication

Payment of an issue fee and any required publication fee by authorization to charge a deposit account or credit card may be submitted by facsimile transmission. When drawings are submitted with payment of an issue fee, they may be submitted by facsimile, although applicants are reminded that the facsimile process may reduce the quality of the drawings, and the Office will generally print the drawings as received.

The applicable facsimile numbers for payment of the issue and/or publication fee(s) by facsimile transmission are as follows:

Facsimile number for Issue Fee (and any Publication Fee) Payments:	(703) 746-4000
--	----------------

Telephone number to check on receipt of payment (with Office of Patent Publication):	(703) 305-8283
--	----------------

4. Facsimile transmissions to the Office of Pre-Grant Publication

Petitions for express abandonment to avoid publication under 37 CFR 1.138(c), requests to rescind a nonpublication request and notices of foreign filing should be directed to the Pre-Grant Publication Division. Questions regarding publication of patent applications (or rescissions of nonpublication requests) may also be directed by e-mail to pgpub@uspto.gov.

Facsimile number for PG-PUB correspondence:	(703) 305-8568
---	----------------

Telephone number for the Pre-Grant Publication Division:	(703) 605-4283
--	----------------

5. Facsimile transmissions to the Electronic Business Center

Requests for Customer Number Data Change (PTO/SB/124) and Requests for a Customer Number (PTO/SB/125) may be facsimile-transmitted to the Electronic Business Center (EBC). The EBC may also be reached by e-mail at: ebc@uspto.gov

Facsimile number for the Electronic Business Center:	(703) 308-2840
--	----------------

Telephone number for assistance from the EBC:	(866) 217-9197
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6. Facsimile transmissions of Assignment Documents

Facsimile transmission to record an assignment or other documents affecting title is also permitted. This process allows customers to submit their documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation notice at their facsimile machine. Credit card payments to record assignment documents are now accepted, and use of the Credit Card form (PTO-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type of transaction, and the fee paid by an

authorization to charge a USPTO deposit account or credit card may be submitted via facsimile. Please refer to the USPTO Web Site, at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf> for more information regarding the submission of assignment documents via facsimile.

Facsimile number for the Automated Patent and Trademark Assignment system:	(703) 306-5995
Telephone number for the Assignment Division for assistance:	(703) 308-9723

7. Facsimile transmissions of Papers for Reexamination Proceedings

Correspondence related to reexamination proceedings will be separately scanned in the Central Reexamination Unit (CRU). *Inter partes* reexamination correspondence, except for the initial request, may be sent by facsimile transmission directly to the CRU facsimile number below. All *ex parte* reexamination correspondence, except for the initial request, may be sent by facsimile transmission to the central facsimile number, (703) 872-9306. For questions concerning Reexaminations, contact the CRU at the number below:

Facsimile number for all <i>inter partes</i> correspondence except initial requests:	(703) 305-1013
All <i>ex parte</i> reexamination correspondence: except initial requests	(703) 872-9306
Telephone number for customer service and inquiries:	(703) 306-2892

8. Facsimile transmissions of Papers to the Board of Patent Appeals and Interferences

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(703) 305-9373

FOR FURTHER INFORMATION CONTACT:

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- * Questions related to the operation of the facsimile system should be directed to the Electronic Business Center at (866) 217-9197.
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Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>.

Date: *10/1/03*
Stephen G. KuninDeputy Commissioner for
Patent Examination Policy

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